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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/776,574 | 02/11/2004 | Hung-Hsiang Jonathan Chao | **19-0066 | 2779 |
| 23377 7590 07/25/2008 WOODCOCK WASHBURN LLP CIRA CENTRE, 12TH FLOOR 2929 ARCH STREET PHILADELPHIA, PA 19104-2891 | | | | |
| EXAMINER SAM PHIRIN | | | | |
| ART UNIT 2619 | | PAPER NUMBER | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/776,574

Applicant(s)

CHAO ET AL.

Examiner

Phirin Sam

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 15-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 and 15-25 is/are allowed.
- 6) ☒ Claim(s) 26, 29-31 is/are rejected.
- 7) ☒ Claim(s) 27, 28 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 06/18/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. Claims 26 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,072,772 (hereinafter referred as "Charny") in view of US Patent 6,504,820 (hereinafter referred as "Oliva").

Regarding amended claim 26, Charny discloses a method for alleviating head-of-line blocking in an input-buffered switch, wherein the switch comprises an input module, the input module including virtual output queues and virtual path queues, the method comprising:

- (a) assigning an incoming cell to one of the virtual output queues using cell destination information (see Fig. 1, element 26, col. 6, lines 54-60);

(b) providing a head-of-line cell of the one of the virtual output queues to one of the virtual path queues using dynamic path identifier information (see Fig. 1, col. 6, lines 60-64);

Charny does not disclose selecting, for a switch plane link, one of a number of virtual path queues having a cell and sending the cell from the selected one of the number of virtual path queues over the switch plane link. However, Oliva discloses selecting, for a switch plane link, one of a number of virtual path queues having a cell and sending the cell from the selected one of the number of virtual path queues over the switch plane link selecting (see Figs. 2a and 3, col. 5, lines 60-61, and col. 6, lines 49-67). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine selecting one of a number of virtual path queues having a cell and sending the cell from the selected one of the number of virtual path queues teaching by Oliva with Charny. The motivation for doing so would have been to provide to improve in the efficiency of network resource allocation read on column 3, lines 1-2. Therefore, it would have been obvious to combine Oliva and Charny to obtain the invention as specified in the claim 26.

Regarding amended claims 29-31, Charny discloses an input module implemented in a switch, the input module comprising:

(a) a plurality of virtual output queues for accepting cells wherein each of the virtual path queues accepts a head-of line cell from a virtual output queue based on path identifier information (see Fig. 1, element 26, col. 6, lines 54-67, and col. 7, lines 1-13);

Charny does not disclose a plurality of virtual path queues for accepting head-of-line cells from the plurality of virtual output queues, wherein each of the virtual path queues accepts a head-of line cell from a virtual output queue based on dynamic path identifier information.

However, Oliva discloses a plurality of virtual path queues for accepting head-of-line cells from the plurality of virtual output queues, wherein each of the virtual path queues accepts a head-of line cell from a virtual output queue based on dynamic path identifier information (see Figs. 2a and 3, col. 5, lines 60-61, and col. 6, lines 49-67). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine a plurality of virtual path queues teaching by Oliva with Charny. The motivation for doing so would have been to provide to improve in the efficiency of network resource allocation read on column 3, lines 1-2. Therefore, it would have been obvious to combine Oliva and Charny to obtain the invention as specified in the claims 29-31.

Allowable Subject Matter

4. Claims 27, 28, and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 1-12 and 15-25 are allowed.

Response to Remarks

6. Applicant's remarks with respect to claims above have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on Increased Flexitime Policy (IFP) Program.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272 - 2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully submitted,

Date: July 21, 2008

By: /Phirin Sam/

Phirin Sam
Primary Examiner
Art Unit 2619